

From: vorck
To: Microsoft ATR
Date: 1/23/02 1:11pm
Subject: Microsoft Settlement Commentary

I wish to avail myself of the opportunity made to the public by the Tunney Act and wish to comment on the proposed Microsoft settlement.

The PFJ fails to prohibit anticompetitive license terms currently used by Microsoft (see e.g. The Microsoft Windows Media Encoder 7.1 SDK EULA). Microsoft currently uses and will continue in the foreseeable future to use restrictive licensing terms to keep Open Source programs from running on Windows.

Conversely, the PFJ fails to prohibit anticompetitive license terms for development tools. The Microsoft Platform SDK, together with Microsoft Visual C++, is the primary toolkit used by independent software vendors to create Windows-compatible applications. The Microsoft Platform SDK EULA says: "Distribution Terms. You may reproduce and distribute ... the Redistributable Components... provided that (a) you distribute the Redistributable Components only in conjunction with and as a part of your Application solely for use with a Microsoft Operating System Product..."

The settlement simply does not go far enough to end unacceptably restrictive EULA terms.

Respectfully submitted

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